

Appl. No. 10/710,939
Amdt. dated November 17, 2005
Reply to Office Action of October 20, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application is respectfully requested. Claims 28 and 29 have been canceled without prejudice or disclaimer; claims 1-3, 5, 11, 13, 16-18, 20, 23-27, 31, 37, 39, 41, 44, 47-49, 51, 57, 59, 62-64, 66, and 69 have been amended; and claims 70-72 have been added. Thus, claims 1-27 and 30-72 are presently pending, with claims 1, 5, 11, 16, 17, 24, 25, 27, 31, 37, 39, 47, 51, 57, 62, 63, and 70-72 being independent.

Applicant wishes to express its appreciation for the interview conducted on November 16, 2005, and thank the Examiner for her time and consideration given during that interview. It is noted that claims 1, 24, and 47 and proposed amendments to those claims were discussed during the interview. New claims 70-72 and a number of changes to the specification, as well as a number of other issues (e.g., amendments to overcome the § 112 rejections, replacement of the abstract, rewriting of objected to claims, etc.), were also discussed during the interview. Moreover, it was agreed that amended claims 1, 24, and 47 and new claims 70-72 (as proposed in the interview) would be patentably distinguishable over the references applied in the Action of October 20, 2005. These claims have consequently been amended herein to include the proposed amendments.

In the Office Action of October 20, 2005, claims 1-8, 14, 15, 24, 26, 28-45, 47-54, 60, and 61 are rejected under the judicially created doctrine of obviousness-type double patenting over a number of claims in Applicants' copending U.S. Patent Application Serial No. 10/710,797. This Amendment is accompanied by a Terminal Disclaimer filed pursuant to 37 C.F.R. § 1.321(c).

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The Disclaimer, executed by the undersigned as one of the attorneys of record, complies with the provisions of this section and should consequently remove the '797 application from consideration with respect to obviousness-type double patenting. Thus, Applicant respectfully requests that any such rejection based wholly or partly on the '797 application be withdrawn.

Furthermore, claims 16, 18, 20, 23, 37, 41, 44, 62, 64, 66, and 69 are rejected in the Action under 35 U.S.C. § 112, ¶ 2. As agreed during the interview, these claims have been amended herein to replace the word "can" with the wording - is permitted to -. Thus, Applicant respectfully requests that this rejection be withdrawn.

Based upon the above-noted remarks, Applicant respectfully submits that independent claims 1, 24, 47, and 70-72 are now in condition for allowance. Furthermore, claims 2-4, 6-10, 14, and 15 depend from claim 1; claims 26, 30, 32-36, and 38 depend from claim 24; and claims 48-50, 52-56, 60, and 61 depend from claim 47. Thus, these dependent claims should also be in condition for allowance. Yet further, claims 5, 31, 39, and 51 are rejected in the Action only under obviousness-type double patenting. Because a Terminal Disclaimer accompanies this Amendment, these claims have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Thus, Applicant respectfully submits that these new independent claims are in condition for allowance. Claims 40-45 depend from claim 39 and should also be in condition for allowance.

With regard to the remaining claims pending in the present application, claims 11-13, 16-23, 25, 27, 37, 57-59, and 62-69 are objected to in the Action as being as being dependent upon

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a rejected base claim but indicated as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As suggested in the Action, claims 11, 16, 17, 25, 27, 37, 57, 62, and 63 have been rewritten in independent form and should therefore be in condition for allowance. Claims 12 and 13 depend from claim 11, claims 18-23 depend from claim 17, claims 58-59 depend from claim 57, and claims 64-69 depend from claim 63. Accordingly, these dependent claims should also be in condition for allowance.

As agreed upon during the interview, paragraph 85 of the specification has been amended to correct a number of inadvertent and minor errors. The abstract has also been shortened as requested.

In view of the foregoing, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge \$1925.00 to the undersigned's Deposit Account No. 19-0522 for the claims added herein. The Commissioner is further authorized to charge any additional fees associated with this communication or credit any overpayment to said Deposit Account.

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